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The Referendum in the Portuguese Constitutional Experience

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Propositions relating to the dissertation

The Referendum in the Portuguese Constitutional Experience

by António Filipe Gaião Rodrigues

1. The referendum is not part of the Portuguese political tradition and the experience of the referendum in Portuguese democracy is very far from being a success.

2. In the three referendums held in the Portuguese democracy, popular participation did not reach expectations. The enthusiasm for the referendums, which seemed to exist, was exposed as an illusion given the low turnout in all its effective applications.

3. Portuguese political parties have approached the referendum with extreme caution, preventing the possibility of its use not only in rivalry to representative democracy but also against their own entrenched interests.

4. Despite several intimations that a referendum would be held on the participation of Portugal in the European integration process (namely on the Amsterdam and the Lisbon Treaties) the truth is that the main Portuguese parties never intended to submit such a question to popular referendum.

5. Referendums are relatively rare events in the politics of most nations; in only a few countries is the referendum a long-established and frequently used device for obtaining popular consent on major public issues and, even in these systems, the referendum is far from being the normal way of taking political and legislative decisions.

6. As a form of direct participation, the referendum allows for reducing the distance between the adoption of political decisions and the electoral body affected by such decisions, but it is not possible to conceive a representative democracy exclusively based on successive direct decisions taken by the voters.

7. The referendum is not incompatible with representative institutions since its integration in the system is subject to a basic principle of complementarity.

8. Referendums have a history that is almost as old as democracy itself; however, a few democratic societies have never tried the device, while some authoritarian ones have abused it. Therefore, in itself, the referendum is neither good nor bad as a political instrument, its role and consequences depending always on the more or less democratic nature of the political actors and regimes that resort to it.

9. Democracy is more than majority vote plain and simple; the essence of democracy is not the vote in itself, but the processes and discussions leading up to it.

10. Since referendums aim at a “yes” or “no” answer, to which current legislative options cannot be reduced, referendums may lead to a perversion of democratic debate, in which the contenders try to shift the discussion towards issues that are not directly at stake, but which may powerfully influence the “yes” or “no” response of the electorate.

11. There is no doubt that, in democracies, the vote is a decisive and fundamental way of expressing the popular will; however, the participation of the citizens in a democracy cannot be limited to periodic voting in elections or referendums.

12. The vote is the weapon of the people, but if it is true that there is no democracy without the right to vote, it is also true that there are essential instruments, other than the vote, for improving the quality of democracy.